ORDINANCE NUMBER 4

SERIES 1959

AN ORDINANCE PROVIDING FOR THE RIGHT OF TRIAL BY JURY; THE METHOD AND PROCEDURE FOR SELECTING JURORS; A JURY FEE; AND DECLARING AN EMERGENCY.

THE CITY OF ELGIN DOES ORDAIN as follows:

Section 1. RIGHT TO TRIAL BY JURY AND DEPOSIT FOR JURY FEES: Every person charged with any offense defined and made punishable by an ordinance of the City of Elgin shall have the right to trial by jury upon notice in open court on arraignment or entry of plea and payment at that time into court of a deposit of $30.00 as a jury fee.

Section 2. NUMBER OF JURORS: The jury shall consist of six (6) persons duly sworn to try the cause for which they are called, and the jurors shall be selected as hereinafter provided.

Section 3. TERM OF COURT: The first term of the municipal court shall commence on the effective date of this ordinance and expire at twelve o'clock midnight on the 31st day of December, 1960. Thereafter terms of the municipal court shall commence on the 1st day of January in each year and continue for a period of twelve months.

Section 4. JURY LIST: Upon the effective date of this ordinance, and on the 1st day of January, 1961, and the 1st day of January in each year thereafter, the City Recorder shall prepare a jury list containing the names of 30 persons taken from the latest tax roll and the registration books used at the latest City election by lot. He shall then delete from the jury list the names of persons known not to be qualified by law under the state statutes with respect to the selection of jurors to serve as jurors and draw additional names until a jury list of 30 persons has been prepared. The names of those persons deleted from the jury list shall be placed on a separate list known as "The Rejected Prospective Jurors", and opposite each name the reason for the removal of the name shall be stated. The jury list so prepared shall contain the Christian name and surname and place of residence and occupation of each person named therein and shall be certified by the City Recorder and placed on file in his office within ten days from the time it is prepared.

Section 5. SELECTION OF THE TRIAL JURY: At least three (3) days prior to the trial date, excluding Sundays and legal holidays, the defendant, or his attorney, and the City Attorney shall appear before the Municipal Judge for the selection of the jury. The time and place of such selection shall be designated by the court, and the Municipal Judge shall notify the defendant, or his attorney, and the City Attorney of said time and place. The Judge shall select the names of six (6) persons from the jury panel by lot. The defendant, or his attorney, may then challenge three (3) of the prospective jurors and the City Attorney may challenge three (3) of the prospective jurors. The order of challenges shall be that the defendant, or his attorney, may challenge one (1) juror and the City Attorney may challenge one (1) juror, and the challenges shall so proceed with the defendant and the City alternating until all challenges as herein provided shall have been used or waived. Additional names shall be selected by lot by the Municipal Judge to replace those jurors challenged. When six (6) jurors have been selected they shall be notified to appear for trial at the appointed time and place and shall constitute the trial jury.

Section 6. VERDICT: Five of the six jurors sworn to try the cause must concur to render a verdict.

Section 7. REFUND OF JURY FEE: If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded.

Section 8. PAYMENT OF JURORS. Jurors notified and who appear at the trial shall receive compensation from the City of Elgin in the amount of $5.00 for each day of attendance upon the municipal court.

Section 9. COSTS AND DISBURSEMENTS: In all cases tried before a jury in the municipal court the Municipal Judge shall add to the fine, penalty or sentence imposed, costs and disbursements equal to the fees paid to jurors under the provisions of this ordinance which shall be satisfied first from the jury fee deposit hereinabove provided for.

Section 10. ALTERNATE JURORS: The Municipal Judge may select two additional jurors at the same time as and in the same manner as trial jurors are selected under this ordinance, except that as to such alternate jurors the City and the de-

fendant shall each have the right to challenge one juror so drawn. The Municipal Judge may excuse for good cause jurors selected as trial jurors, and in event such jurors shall be so excused, the first juror so excused shall be replaced by the first alternate juror and the second juror so excused shall be replaced by the second alternate juror. In event no alternate jurors are selected and a trial juror is excused by the Municipal Judge, or in event alternate jurors are selected and more trial jurors are excused than the number of alternate jurors available, a new jury shall be selected.

Section 11. NOTICE OF JURY DUTY: The Chief of Police shall, under the direction of the municipal judge, serve notices of jury duty on persons selected as trial or alternate trial jurors. Any person so selected who disregards such notice and fails to appear at the time and place appointed is guilty of contempt to Court, and upon being so held by the Municipal Judge may be punished by a fine not in excess of $100.00 or by imprisonment in the City Jail for not in excess of ten (10) days, or by both such fine and imprisonment.

Section 12. QUALIFICATION AND EXEMPTION OF JURORS. In preparing the jury list the City Recorder shall discard the names of those persons who are known or believed by him not to be possessed of the qualifications of jurors or entitled to exemption under the provisions of Sections 10.030 and 10.040, Oregon Revised Statutes.

Section 13. WHEREAS the act of the Legislative Assembly of Oregon requiring jury trials in municipal courts is in full force and effect and the City of Elgin must immediately provide for appropriate procedure for jury trials, it is necessary for the peace, health and safety of the people of the City of Elgin that this ordinance be immediately effective, and an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED and ADOPTED at Elgin, Oregon, this 10th day of November, 1959, with Five (5) Councilmen voting therefor.

APPROVED this 10th day of November 1959.

W F Chandler
Mayor

ATTESTED and filed this 10th day of November, 1959.

C P Muller
City Recorder